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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED
5-5-2008
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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

David Thurman

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08CV2548
JUDGE ASPEN
MAG. JUDGE KEYS

vs.

Case

(To be supplied by the Clerk of this Court)

Terry L. McCann warden

Ed Butkiewicz Counselor

Ami Workman Grievance officer

C. Cannon Publication review officer

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION
1983 U.S. Code (state, county, or municipal defendants)

☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION),
TITLE 28 SECTION 1331(a) U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

I. Plaintiff(s):

- A. Name: David Thurman
- B. List all aliases: _____
- C. Prisoner identification number: B-36829
- D. Place of present confinement: Stateville
- E. Address: Box 112 Joliet, IL 60434

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Terry L. McLann
 Title: Chief Administrative Officer
 Place of Employment: Stateville
- B. Defendant: Ed Butkiewicz Counselor
 Title: Counselor
 Place of Employment: Stateville
- C. Defendant: Ami Workman
 Title: Grievance officer
 Place of Employment: Stateville

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (✓) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (✓) NO ()

C. If your answer is YES:

1. What steps did you take?

Grievances

2. What was the result?

Denied or Denied because the grievances weren't filed within 60 days

3. If the grievance was not resolved to your satisfaction, did you appeal?

What was the result (if there was no procedure for appeal, so state.)

The Administrative Review board in Springfield Also denied these grievances

D. If your answer is NO, explain why not:

E. Is the grievance procedure now completed? YES (✓) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO ()

G. If your answer is YES:

1. What steps did you take?

2. What was the result?

H. If your answer is NO, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: Civil No. 97-208-JPG
- B. Approximate date of filing lawsuit: 7-16-97 Feb. 1997
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Terry Starnes
Pichey Greenwood
- D. List all defendants: Leo L. Meyer, Odie Washington,
Jerry D. Gilmore, Louis Lowery, Tim Woods and
Richard Gramley
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Southern of Illinois East St. Louis
- F. Name of judge to whom case was assigned: Phil Gilbertt (chief)
- G. Basic claim made: Confiscation of state pay on inmate
caused lock down without due process
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Dismissed
- H. Approximate date of disposition: 7-11-97

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: Thurman v. Roper, et al
1:95-cv-01070-mm
- B. Approximate date of filing lawsuit: 2-16-95
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: _____

- D. List all defendants: Larry Roper Francis Melvin
Richard Gramley
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Central of Illinois (Peoria)
- F. Name of judge to whom case was assigned: Michael M. Mihm
- G. Basic claim made: Cruel and unusual punishment
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Dismissed not appealed
- H. Approximate date of disposition: 10-20-95

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

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Any thing ~~counselor~~ Tammy Garcia read all of this And stated she ~~concurred~~ concurred with the Counselor But ignored my statement and stated supplies are limited for handing out. warden McCann, Jackie Miller, and Roger Walker all concurred with the Grievance officer tammy Garcia. they all showed Deliberate indifference ~~and~~ except Butkiewicz Violating my 8th Amendmet right. Griev. 624

2 On 3-21-06 i complained that my toilet is on Griev. 630

A 20 min timer, & the heater in my cell doesn't work, and requested verification and find out If other inmates are suffering same. i stated Come touch my Heater, i quoted the rule book which states there is to be no reduction In the frequency use of toilets

I also stated i was given 1 sheet instead of 2 no pillow. the rules state im to recieve this. I also stated the C/o's on the lunch and dinner shift ensure i get cold food every day by not opening the chuch Holes before trays are served And that trays often sit on chuck holes for 30 To 40 min. before they are served. breakfast Is always hot because C/o's open holes before Trays are brought. 3 and 4 gallery get their Food directly from the worker and don't have to wait until C/o's arrive. i stated i tried to put A Blanket over the window to keep cold air out And was ordered to take it down or get a Ticket. Counselor Ed ignored my plight and Did not verify all my claims. he stated The timers were justified and food is served In accordance with D.O.C rules. Grievance officer Ami workman stated she was un able to substantiate claims

She also stated staff say they adhere to rules
To ensure safety and security and that meals
were served immediately when they arrive and
Denied my grievance. Jackie Miller and Roger
Walker concurred with these findings and denied
my grievance they all showed deliberate indifference
Violating my 8th Amendment right and 14 amen
Dment right to equal protection and treatment

3 On 4-6-07, ^{#399} I grieved that I saw Lt. Vaughn
Receive new mattresses and pillows. I requested
these and she refused. I have no pillow and
my mattress was filthy and old with lumps.
Counselor Ed stated that I would get this
when they became available. He did not
speak to the Lt. and ignored that they had
just received this. The only investigation
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- 4 on 7-3-07 i complained of roach infestation and Food trays being allowed to sit on the ^{Griev#919} chuck _{Hole} outside of the door where they were attached by Roaches. i suggested they use bait traps where the roaches take ~~that~~ _{the} bait back to their Nests. i requested to know when they ~~w~~ fought And how they fought these pests and for trays Not to be Allowed to sit on chuck holes where they were vulnerable. Counselor ed Responded by saying they should be spraying Grievance officer Tammy Garcia stated

5

The cell houses are sprayed on a regular basis
And according to cell house staff trash is picked
up soon after inmates are fed and stated

The grievance is moot, McCann concurred,

Jack Miller refused to review the grievance

They all violated my 8th Amendment right

By refusing to investigate and stop the

Pests/Tammy Garcia is the griev. officer for #922

5 on 7-4-07 Griev #922 i complained that laundry

Is not done on lockdowns and that if inmates
Put up lines and wash their own laundry

They are punished for putting up lines. i requested

That laundry be done on lockdowns. Counselor

Ed stated it does get done the Grievance

Officer concurred and so did ~~Mc~~ McCann

Jacky Miller refused to Hear the griev.

6

my 8th Amendment right to clean laundry was violated, by their refusal to investigate They are responsible

6 On 9-28-07 Griev. 1239 i again complained of Roaches stating my cell was swarming and that I could put them in an ~~en~~ envelope and mail them To prove my claim and requested effective Control, counselor ed stated "I'm trying to Get someone to spray in F-house", "they are To spray Once a month, Grievance officer Ami Workman refused to investigate and stated exterminators report every Tues. and Thurs. to ensure Every unit is sprayed once a month, McCann Concurred Jackie miller refused to hear griev. All of them violated my 8th Amdt. right

7 On 7-8-07 #92 i grieved ~~that~~ the unsanitariness of providing a bag of ice ~~and~~ on the yard

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Because inmates reach into this bag with bare hands, I requested a water cooler instead on the yard, counselor Ed stated they will not provide the cooler, (see inmates have no way to bring their own water to the yard and are on the yard for 5 hrs. population is allowed to carry bottled water to the yard and in the summer there's running water) Tammy Garcia concurred with the response and stated it is not a requirement to provide a water cooler on the yard. Jackie Miller refused to hear the grievance, this violated my 8th amdt. Right and my 14 right to equal treatment.

8 On 5-~~7~~¹⁰-07 ^{#466} I grieved about the ~~water~~ warden turning off the water for 8 hrs he did this on 5-7-07 ~~on 5-8-07~~ During a shakedown on 5-8-07 we were also shook down and the water was not turned off.

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I requested to know why he violated the rule book which states the frequency in use of sinks and toilets shall be prohibited and \$10,000 counselor Ed lied and stated the water was being worked on Tammy Garcia stated it was done for the shake down And denied grievance Jackie Miller ~~repeatedly~~ denied ~~the~~ the grievance, ~~the~~ my 8th Amdt. Right was violated. Warden McDann concurred with this. Roger Walker concurred.

9 On 6-15-07 Griev. # 623 I complained that some Inmates were allowed Audio/visual privileges And I was not. I requested to know what I could Do to get these privileges and ~~the~~ named the Cells that had TV's. counselor ed had previously Told me this was not Allowed. I requested the same privileges or 10,000 for violation of

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my 14th Amdt. Right to be treated equally
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Than me. Ed showed indifference by
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Tammy Garcia stated it was up to the warden
And also refused to investigate. Jackie miller
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On 7-17-07 ^{#828} filed a grievance complaining

10 The seg. inmates like me are forced to buy more

Expensive hygiene items like shampoo and

Lotion while population is not, counselor Ed

Lied stating im allowed to purchase what is on

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On 9-28-07 I filed a griev. complaining that
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F-house population where i'm at is not allowed
To purchase certain items from the store, not
Given night yard, allowed to walk to chow, to Attend
Religious services, not given given gym, school
And Self Help programs, counselor ed stated when
I go to a different house i would get what i
wanted, i had requested this discrimination be
Stopped, Ami workman stated these things were
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To my 14th amdt. right to be treated equally.

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workers get 3 days of yard a week while I

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VI. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

3,000 in monetary damages, 30,000 punitive damages
3,000 in exemplary damages 1. timers to be taken off toilets
2. chuk holes opened before trays are served 3. laundry to be
Done on lockdown. 4. roaches to be eliminated from f-house
5. water to be provided on seg. yard 6. injunction against
Cutting water off 7. seg. be allowed to buy some hygiene items
as population 8. F-house to be allowed all the privileges as
Population 9. 3 days of yard like the cell house workers
10. Declaratory and injunctive relief regarding I.L.C.S. 5/3-7-2
11. award for filing costs

I declare under penalty of perjury that all facts
given in the complaint are true and correct.

Signed this 25 day of April, 08

Dawn J. Thummen

(Signature of plaintiff or plaintiffs)

B-36829

(I.D. Number)

Box 112 Joliet, IL 60434
Stateville C.C.

(Address)